

109TH CONGRESS
1ST SESSION

H. R. 1232

To amend the Federal Land Policy and Management Act of 1976 to provide death and disability benefits for aerial firefighters who work on a contract basis for the Forest Service or an agency of the Department of the Interior and suffer death or disability in the line of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Land Policy and Management Act of 1976 to provide death and disability benefits for aerial firefighters who work on a contract basis for the Forest Service or an agency of the Department of the Interior and suffer death or disability in the line of duty, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Aerial Firefighter Re-
3 lief Act of 2005”.

4 **SEC. 2. DEATH AND DISABILITY BENEFITS FOR AERIAL**
5 **FIREFIGHTERS OF THE FOREST SERVICE**
6 **AND DEPARTMENT OF THE INTERIOR AGEN-**
7 **CIES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Pilots and crew members of aircraft used to
10 fight wildfires generally work on a contract basis
11 with a State or Federal agency and, as a result, are
12 not eligible for death or disability benefits should
13 they be killed or injured in the line of duty.

14 (2) Employer death benefits and life insurance
15 for aerial firefighters are expensive, and the families
16 of these unsung heroes have to cope not only with
17 the loss of a loved one, but also the additional finan-
18 cial loss of a wage earner.

19 (3) It is vital that Congress continue to encour-
20 age the recruitment and retention of skilled and ex-
21 perience aerial firefighters.

22 (b) ELIGIBILITY FOR DEATH AND DISABILITY BENE-
23 FITS.—Section 308 of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1738) is amended by
25 adding at the end the following new subsection:

1 “(c) ELIGIBILITY OF AERIAL FIREFIGHTERS FOR
2 DEATH AND DISABILITY BENEFITS.—

3 “(1) ELIGIBILITY.—An individual who serves a
4 public agency specified in paragraph (2), or a con-
5 tractor or subcontractor of such a public agency, in
6 an official capacity, with or without compensation,
7 as a pilot or a crew member of an aircraft carrying
8 out a firefighting mission on behalf of such public
9 agency and who is killed or disabled as a result of
10 an injury that occurs while the aircraft is moving
11 under its own power for the purpose of take off,
12 flight, or landing shall be eligible for a death or dis-
13 ability benefit under section 1201 of Public Law 90–
14 351 (42 U.S.C. 3796).

15 “(2) COVERED PUBLIC AGENCIES.—Subsection
16 (a) applies with respect to the Forest Service and
17 any agency of the Department of the Interior.

18 “(3) APPLICABILITY.—This subsection shall
19 apply with respect to death or injuries occurring on
20 or after September 29, 1976.”.

21 **SEC. 3. ELIGIBILITY OF AERIAL FIREFIGHTERS FOR PUB-**
22 **LIC SAFETY OFFICER DEATH BENEFITS.**

23 (a) IN GENERAL.—Paragraph (7) of section 1204 of
24 the Omnibus Crime Control and Safe Streets Act of 1968
25 (42 U.S.C. 3796b) is amended—

1 (1) in subparagraph (B) by striking “or” at the
2 end;

3 (2) in subparagraph (C) by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(D) an individual serving a public agency,
8 or a contractor or subcontractor at any tier of
9 a public agency, in an official capacity, with or
10 without compensation, as a pilot or a crew
11 member of an aircraft carrying out a fire-
12 fighting mission on behalf of such public agen-
13 cy, so long as the injury occurs during the con-
14 tract period beginning with the moment in
15 which the aircraft moves under its own power
16 for the purpose of flight and ending with the
17 moment in which the aircraft comes to rest
18 after landing.”.

19 (b) APPLICABILITY.—The amendments made by sub-
20 section (a) shall apply with respect to injuries occurring
21 on or after September 29, 1976.

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